



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Douglas S. Forrer

Serial No.: 10/658,003

Group Art Unit: 3673

Filing Date: September 9, 2003

Examiner: Sunil Singh

For: REFLECTIVE PAVEMENT MARKER

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**DECLARATION OF DAVID McHUGH UNDER 37 CFR 1.132**

I, David McHugh, declare as follows:

1. I am presently the Regional Sale Manager of Ray-O-Lite, Inc, including the State of Florida. I have been associated with the commercial sale of highway pavement markers for five years.

2. I have read and am familiar with the the references U.S. Patent 3,332,327; U.S. Patent 6,325,515; the Internet article entitled "Acrylic (Polymethyl-Methacrylate) Specifications" encompassing three pages and dated 1999, and page 5 of the "Canadian Building Digest."

3. I state that the present invention as embodied in independent claims 1, 13 and 20 having limitations as to tensile strength and flexural modulus affords a reflective pavement marker that has an operable lifetime that far exceeds that of pavement markers formed from a polymer not satisfying claim limitations. My statement is based upon the information found in my declaration submitted on September 14, 2005 with the Amendment submitted on the same date and the following.

4. The reflective pavement marker AA-ARC II-FH is the same as the reflector claimed in claims 1 and 13. Furthermore, all of the markers tested had the same physical shape and a reflective coating, bonding coating or fill material is not responsible for the difference in field performance test life exhibited by the various reflectors.

5. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therein.

\\David S. McHugh\  
David McHugh

Date: \_\_March 9, 2006\_\_

10/658,003  
Response to Office Action 10/06/2005



The application is now in condition for allowance. Any questions, comments or suggestions the Examiner may have, which will place the application in still better condition for allowance, should be directed to the undersigned attorney.

Respectfully submitted,

Avery N. Goldstein  
Registration No. 39,204  
Gifford, Krass, Groh, Sprinkle,  
Anderson & Citkowski, P.C.  
2701 Troy Center Drive, Suite 330  
P.O. Box 7021  
Troy, MI 48007-7021  
(248) 647-6000

Attorney for Applicant

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

"EXPRESS MAIL" MAILING LABEL NUMBER \_\_\_\_\_ (EV855948414US)

DATE OF DEPOSIT April 6, 2006

I hereby certify that this paper or fee (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Janice Burkhardt